

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

**COMPLAINT NO. R2-2003-0043  
MANDATORY MINIMUM PENALTIES  
IN THE MATTER OF  
CENTRAL MARIN SANITATION AGENCY  
SAN RAFAEL, MARIN COUNTY**

Pursuant to California Water Code Section 13385, this Complaint is issued to Central Marin Sanitation Agency (hereafter Discharger) to assess mandatory minimum penalties, based on a finding of the Discharger's violations of Waste Discharge Requirements Order No. 01-105 (NPDES No. CA 0038628) for the period between January 1, 2002 and January 1, 2003.

The Executive Officer finds the following:

- 1) On September 19, 2001, the Regional Water Quality Control Board, San Francisco Bay Region, (Regional Board) adopted Order No. 01-105 for the Discharger, to regulate discharges of waste from its facility. Order No. 01-105 has become effective on October 1, 2001.
- 2) Water Code Section 13385(h)(1) requires the Regional Board to assess a mandatory minimum penalty (MMP) of three thousand dollars (\$3,000) for each serious violation.
- 3) Water Code Section 13385(h)(2) defines a "serious violation" as any waste discharge of a Group I pollutant that exceeds the effluent limitation contained in the applicable waste discharge requirements by 40 percent or more, or any waste discharge of a Group II pollutant that exceeds the effluent limitation by 20 percent or more.
- 4) Water Code Section 13385(l) allows the Regional Board, with the concurrence of the discharger, to direct a portion of the penalty amount to be expended on a supplemental environmental project (SEP) in accordance with the enforcement policy of the State Water Resources Control Board. The discharger may undertake an SEP up to the full amount of the penalty for liabilities less than or equal to \$15,000. If the penalty amount exceeds \$15,000, the maximum penalty amount that may be expended on a SEP may not exceed \$15,000 plus 50 percent of the penalty amount that exceeds \$15,000.
- 5) Effluent Limitations  
Order No. 01-105 include the following applicable effluent limitations:

***EFFLUENT LIMITATIONS***

*1. The effluent shall not exceed the following limits:*

*e. Total Chlorine Residual 0.0 mg/l Instantaneous Maximum*

- 6) Summary of Effluent Limit Violations  
During the period between January 1, 2002 and January 1, 2003, the Discharger had two violations of its effluent discharge limits. These are two chlorine residual instantaneous maximum violations on February 25 and August 3, 2002.

7) Chlorine residual is a Group II pollutant

The two chlorine residual instantaneous maximum effluent limit violations are serious violations, as these violations are 20% or greater than the effluent limitation. Each of the four chlorine residual limit violations is subject to a \$3,000 fine, for a total fine of \$6,000.

8) Water Code Exception

Water Code Section 13385(j) provides some exceptions related to the assessment of MMPs for effluent limit violations. None of the exceptions apply to the violations cited in this Complaint.

9) Assessment of MMPs

The two violations are subject to MMP. The total MMP amount is \$6,000.

10) Suspended MMP Amount

Instead of paying the full penalty amount to the State Water Pollution Cleanup and Abatement Account, the Discharger may spend an amount of up to \$6,000 on a SEP acceptable to the Executive Officer. Any such amount expended to satisfactorily complete an SEP will be permanently suspended.

11) SEP Categories

If the Discharger chooses to propose an SEP, the proposed SEP shall be in the following categories:

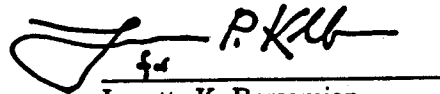
1. Pollution prevention;
2. Pollution reduction;
3. Environmental clean-up or restoration; and
4. Environmental education.

**THE CENTRAL MARIN SANITATION AGENCY IS HEREBY GIVEN NOTICE THAT:**

1. The Executive Officer proposes that the Discharger be assessed MMPs in the total amount of \$6,000.
2. The Regional Board will hold a hearing on this Complaint on August 20, 2003, unless the Discharger waives the right to a hearing by signing the included waiver and checks the appropriate box. By doing so, the Discharger agrees to:
  - a) Pay the full penalty of \$6,000 within 30 days after the signed waiver becomes effective, or
  - b) Propose a SEP in an amount up to \$6,000. Pay the balance of the penalty within 30 days after the signed waiver becomes effective. The sum of the SEP amount and the amount of the fine to be paid to the State Water Pollution Cleanup and Abatement Account shall equal the full penalty of \$6,000.
3. If the Discharger chooses to propose a SEP, it must submit a preliminary proposal by 5:00 p.m., August 4, 2003 to the Executive Officer for conceptual approval. Any SEP proposal shall also conform to the requirements specified in Section IX of the Water Quality Enforcement Policy, which was adopted by the State Water Resources Control Board on February 19, 2002 and the attached Standard Criteria and Reporting Requirement for Supplemental Environmental Project. If the proposed SEP is not acceptable to the Executive Officer, the Discharger has 30 days from receipt of notice of an unacceptable SEP to either submit a new or revised proposal, or make a payment for the suspended penalty of \$6,000. All payments, including any money not used for the SEP, must be payable to the State Water Pollution Cleanup and Abatement Account. Regular reports on the SEP implementation shall be provided to the Executive Officer according to a schedule to be determined.

The completion report for the SEP shall be submitted to the Executive Officer within 60 days of project completion.

4. The signed waiver will become effective on the day after the public comment period for this Complaint is closed, provided that there are no significant public comments on this Complaint during the public comment period. If there are significant public comments, the Executive Officer may withdraw the Complaint and reissue it as appropriate.
5. If a hearing is held, the Regional Board may impose an administrative civil liability in the amount proposed or for a different amount; decline to seek civil liability; or refer the matter to the Attorney General to have a Superior Court consider imposition of a penalty.



Loretta K. Barsamian  
Executive Officer

7/2/03  
Date

Attachment A - Standard Criteria and Reporting Requirement for Supplemental Environmental Project